

APPROVED

MINUTES OF THE MEETING

GOVERNING BOARD
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

MAY 24, 2011

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 9:02 a.m. on May 24, 2011, at the District's headquarters in Brooksville. The following persons were present:

Board Members Present

Ronald E. Oakley, Chair
Hugh Gramling, Vice Chair
H. Paul Senft, Secretary
Douglas B. Tharp, Treasurer
Jeffrey M. Adams, Member
Carlos Beruff, Member
Bryan K. Beswick, Member
Jennifer E. Closshey, Member
Neil Combee, Member
Albert G. Joerger, Member
Todd Pressman, Member
Judith C. Whitehead, Member

Staff Members

David L. Moore, Executive Director
William S. Bilenky, General Counsel
Lou Kavouras, Deputy Executive Director
Richard S. Owen, Deputy Executive Director
Bruce C. Wirth, Deputy Executive Director
Kurt P. Fritsch, Acting Deputy Executive Director

Board's Administrative Support

LuAnne Stout, Administrative Coordinator
Tahla Paige, Sr. Administrative Assistant

Board Member(s) Absent – None

A list of others present who signed the attendance roster is filed in the permanent records of the District. This meeting was available for viewing through internet streaming. Approved minutes from previous meetings can be found on the District's Web site (www.WaterMatters.org).

Public Hearing (Video A)

1. Call to Order

Chair Oakley called the meeting to order and opened the public hearing. Mr. Senft noted a quorum was present.

2. Pledge of Allegiance and Invocation

Chair Oakley led the Pledge of Allegiance to the Flag of the United States of America. Mr. Bilenky offered the invocation.

Public Hearing

Chair Oakley introduced each member of the Governing Board. He noted that the Board's meeting was recorded for broadcast on government access channels, and public input was only taken during the meeting onsite.

Chair Oakley stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a speaker's card. To assure that all participants have an opportunity to speak, a member of the public may submit a speaker's card to comment on agenda items only during today's meeting. If the speaker wishes to address the Board on an issue not on today's agenda, a speaker's card may be submitted for comment during "Public Input." Chair Oakley stated that comments would be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute

limit may be granted by the Chair. He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson.

3. **Additions/Deletions to Agenda**

Mr. Moore noted that one item has been deleted from today's agenda:

Resource Management Committee

The following item is deleted:

42. Appraisal, Purchase/Sale Agreement and Resolution Requesting Funds – Starkey Wilderness Preserve Addition, SWF Parcel No. 160-010-038 and SWF Parcel No. 16-010-039P

Chair Oakley noted for the record that the agenda was accepted as amended.

4. **Oath of Office for Reappointed Board Members**

Ms. Kavouras administered the Oath of Office to Messrs. Albert Joerger, Paul Senft and Doug Tharp who were reappointed to terms beginning April 26, 2011 and ending March 1, 2015. (Track 1 – 00:00/00:29, Track 2 – 00:00/04:50)

5. **Employee Recognition**

Mr. Moore recognized staff members who have achieved milestones of 20 years or greater for the period of April 1, 2011 to May 31, 2011. (Track 2 – 04:50/12:00)

MILESTONE	EMPLOYEE	TITLE	DEPARTMENT	LOCATION
20 Years	Danny Brooks	Structure Controls Coordinator	Operations	Brooksville
	Jim Desruisseaux	Fleet Maintenance Technician 4	General Services	Tampa
	Mitch Malone	Senior Field Technician	Sarasota Regulation	Sarasota
	Carol Walsh	Acq. Survey & Mapping Specialist	Land Resources	Brooksville

This item was presented for the Board's information, and no action was required.

6. **Election of Governing Board Officers** (Video A – 12:40)

In accordance with Board Policy 110-7, Board members participate in an election of officers. During this process, a Chair, Vice Chair, Secretary and Treasurer are elected. The newly elected officers assume their duties at the end of meeting. Chair Oakley reviewed the procedure for nominations and voting.

Chair Oakley opened the floor for Chair nominations. Mr. Gramling nominated Mr. Senft and Mr. Pressman seconded the nomination. **Ms. Closshey moved to close nominations, and Mr. Tharp seconded the motion. The Board voted unanimously to close nominations and cast their ballots.** Mr. Moore collected the ballots and tallied the results. **Chair Oakley announced a unanimous vote for Mr. Senft's election as Chair.** (Track 2 – 12:00/17:26)

Chair Oakley opened the floor for Vice Chair nominations. Mr. Joerger nominated Mr. Gramling and Mr. Tharp seconded the nomination. **Ms. Closshey moved to close nominations, and Mr. Senft seconded the motion. The Board voted unanimously to close nominations and cast their ballots.** Mr. Moore collected the ballots and tallied the results. **Chair Oakley announced a unanimous vote for Mr. Gramling's election as Vice Chair.**

Chair Oakley opened the floor for Secretary nominations. Ms. Closshey nominated Mr. Joerger. Mr. Gramling nominated Mr. Tharp. **Mr. Senft moved to close nominations, and Ms. Closshey seconded the motion. The Board voted**

unanimously to close nominations and cast their ballots. Mr. Moore collected the ballots and tallied the results. Chair Oakley announced a majority vote for Mr. Tharp and requested the Board affirmatively approve the election. **The Board unanimously voted in favor of Mr. Tharp's election as Secretary.**

Chair Oakley opened the floor for Treasurer nominations. Mr. Combee nominated Mr. Joerger. Mr. Beswick nominated Mr. Beruff. Mr. Tharp nominated Mr. Adams. **Ms. Closshey moved to close nominations, and Mr. Tharp seconded the motion. The Board voted unanimously to close nominations and cast their ballots.** Mr. Moore collected the ballots and tallied the results. Chair Oakley announced a majority vote for Mr. Joerger and requested the Board affirmatively approve the election. **The Board unanimously voted in favor of Mr. Joerger's election as Treasurer.**

Chair Oakley noted that Mr. Senft and staff will poll Board members during the coming month to determine committee and liaison assignments. (Track 3 – 00:00/07:09)

7. **Public Input for Issues Not Listed on the Published Agenda** – (Video A – 25:12)
Chair Oakley noted several requests to speak.

The Honorable Ray Pilon, Florida House of Representatives, said he has been appointed to the Agriculture and Natural Resources Subcommittee on Policy, and Select Water Policy Committee. He noted there is a different tone in Tallahassee and everyone is in a mode of having to make some difficult decisions regarding the direction for water, water resources and the environment in this state. He said the water management districts have allies in the Legislature and it is one of the best systems in the entire country. He offered his willingness to work with the District which is a vital resource and thanked members of the Board who came to Tallahassee to work on issues.

Mr. Gordon "Mac" Martin, Peace River Basin Board member, said his purpose in attending today's meeting is a farewell address. He said it has been an honor and privilege to serve on the Basin Board, and to serve the community. He noted he is real estate broker and accredited land consultant, and his business focuses on conservation. He expressed his appreciation to Governing Board members and staff. (Track 4 – 00:00/08:51)

Dr. Burt Eno, Withlacoochee River Basin Board member, noted he was appointed by Governor Crist and one of those who was not confirmed by the Senate. He said his expertise is in fluid mechanics and energy systems which he thought was a credential that could be helpful to the District. He has also been president for the past five years of the Rainbow River Conservation, Inc., a 200-member non-profit organization. He said he encourages the Board to consider a way in which the local contact process continues since it has been very successful in the Basin.

Mr. Al Grubman, Withlacoochee River Basin Board member, said one of the reasons this water management district shines is the Basin Board system. In the smaller counties, he said it provides an opportunity to give input regarding local situations by those who know best. He said he hopes the Governing Board maintains local input opportunities. (Track 5 – 00:00/05:23)

Consent Agenda (Video A – 40:00)

Regulation Committee

8. **Individual Water Use Permits Referred to the Governing Board**
a. **WUP No. 20004649.007 – Pinellas County Utilities – Cross Bar Ranch Ecosystem Management (Pasco County)**
Staff recommended to approve the proposed permit included as an exhibit in the Board's meeting materials.

- b. **WUP No. 20011558.003 – Pinellas County Utilities – Al-Bar Ranch Ecosystem Management (Pasco County)**
Staff recommended to approve the proposed permit included as an exhibit in the Board's meeting materials.
- c. **WUP No. 20006675.006 – Tampa Bay Water – Tampa Bypass Canal, Harney Canal Pump Station (Hillsborough County)**
Staff recommended to approve the proposed permit included as an exhibit in the Board's meeting materials.

Resource Management Committee

9. **Distribution Easement to Progress Energy at District Headquarters – SWF Parcel No. 10D-001-185X**
Staff recommended to approve the distribution easement to Florida Power Corporation doing business as Progress Energy Florida, Inc., SWF Parcel No. 10D-001-185X.
10. **Appraisal and Purchase/Sale Agreement – Minimum Flows and Levels, SWF Parcel No. 19-020-093**
Staff recommended to accept the appraisal, and to approve the Purchase and Sale Agreement.
11. **Appraisal and Purchase/Sale Agreement – Regional Observation and Monitor Well Program, SWF Parcel No. 19-020-088**
Staff recommended to accept the appraisal, and to approve the Purchase and Sale Agreement.
12. **Appraisal and Purchase/Sale Agreement – Regional Observation and Monitor Well Program, SWF Parcel No. 19-020-094**
Staff recommended to accept the appraisal, and to approve the Purchase and Sale Agreement.

Finance & Administration Committee

13. **Budget Transfer Report**
Staff recommended to approve the Budget Transfer Report covering all budget transfers for April 2011.
14. **Office of Inspector General – Biannual Progress Report on Audit Plan and Proposed Amendment to Fiscal Year 2011 Audit Plan**
In accordance with Board Policies 140-1 and 140-3, staff recommended to accept the progress reports and to approve the amended audit plan included as exhibits in the Board's meeting materials
15. **Information Resources Department – Fiscal Year 2011 Sinking Fund Transfer – Planned Deduplication Storage System Growth for Business Continuity**
Staff recommended to authorize a transfer of \$338,500 from the Computer Sinking Fund to the Information Resources Department for the planned purchase of data storage deduplication storage systems hardware and related maintenance and associated software and related maintenance via Florida State Contract.

General Counsel's Report

16. **Final Order – SWFWMD v. Sheila Geraci – Manatee County**
Staff recommended to approve the proposed Final Order of Dismissal as to Sheila Geraci for failing to timely file a request for administrative hearing.

Executive Director's Report

17. **Approve Governing Board Minutes – April 26, 2011 Meeting**
Staff recommended to approve the minutes.

Mr. Gramling moved, seconded by Ms. Closshey, to approve the Consent Agenda as presented. Motion carried unanimously. (Track 6 – 00:00/01:08)

Chair Oakley relinquished the gavel to Outreach and Planning Committee Chair Beswick.

Outreach and Planning Committee (Video A – 40:40)

Discussion Items

18. **Legislative Wrap-Up**

Mr. David Rathke, Director, Community and Legislative Affairs Department, provided a final update on the 2011 legislative session. He said the 2012 session will begin in January instead of March due to reapportionment and noted there will be continued efforts to streamline government. He said there will be a continued focus on streamlining the permitting process, additional oversight of water management district budgets, no new or increased funding available, legislative direction on districts to focus on core areas of responsibility, and heightened efforts for coordination and consistency among the districts. He noted the House has already been authorized to begin filing bills now so staff will continue to monitor developments.

Discussion ensued regarding the proposed permitting legislation and which agency receives the funds from surplus property. (Track 7 – 00:00/21:53)

This item was presented for the Committee's information, and no action was required.

Submit & File Reports – None

Routine Reports

The following items were provided for the Committee's information, and no action was required.

19. **Comprehensive Plan Amendment and Related Reviews**
20. **Development of Regional Impact Reviews**
21. **Speakers Bureau**
22. **Significant Activities**

Outreach and Planning Committee Chair Beswick relinquished the gavel to Finance and Administration Committee Chair Tharp. (Track 8 – 00:00/00:27)

Finance and Administration Committee (Video A – 01:03:15)

Discussion Items

23. **Consent Item(s) Moved for Discussion** – None

24. **Fiscal Year 2012 Budget Update**

Mr. Fritsch provided an update on the fiscal year 2012 (FY2012) budget development process which is on schedule with the FY2012 budget calendar. He informed the Board on information received during the prior month, reviewed the FY2012 preliminary budget to date (revenue, program and expenditure budgets), historical trends, and projected trends. His presentation addressed the following issues:

- Options for watershed basin taxing entities not having voting quorums beyond June for four basins and August for one basin.
- Assessing financial options and assumptions resulting from the 2011 legislative session.
- Evaluating fund balance expenditure policies to enable the District to pursue any agreed-upon strategies resulting from merged basins or legislative changes.

During May, the Legislature passed a conforming bill requiring the District to reduce its ad valorem by at least 36 percent. Further, the Legislature did not take final action on a bill allowing governing board members to vote as members of respective basin boards. Currently, two Basin Boards cannot achieve a quorum without gubernatorial appointments; four Basin Boards will not have voting quorums beyond June 20, 2011; and the remaining Basin Board will not have a voting quorum beyond August 31, 2011.

Mr. Fritsch presented three options for the Governing Board's consideration:

- Option I – Resolution to merge all basins and consolidate them into the District.
- Option II – Hold basin board meetings in June for those basins constituted and have them adopt a budget and levy for the next fiscal year to be included in the District budget.
- Option III – Hold no further basin meetings and levy no additional basin taxes (e.g., do nothing).

Mr. Fritsch said staff is recommending Option I which is to pass a resolution merging all the basins and consolidating them into the District. He said this will allow staff to focus more on getting the business processes in place for local government interactivity and the cooperative funding business process. He noted that to accomplish Option 1, the following will be required:

- Repeal of all District rules defining basin boundaries.
- Establishment of accounting protocols to administer the remaining monies in the basin funds.
- Establish protocols for the expenditure of reserves over time by approval of projects within the boundaries of the former basins.
- Governing Board may wish to appoint a subcommittee or subcommittees to administer basin projects until basin reserves are depleted; such subcommittee(s) could be appointed by the Governing Board Chair and be comprised of Governing Board members residing in the former basins.

Mr. Combee moved to approve Option 1 and Mr. Beruff seconded the motion.
(Track 9 – 00:00/10:05)

Board members voiced their support and concerns, and discussion ensued.

Mr. Bilenky noted that, under Option 1 on page 4 of the Finance and Administration Committee meeting materials, it says to accomplish the following it will require the repeal of all District rules defining basin boundaries. He said he does not advocate doing that since it is just one rule that lays out the boundaries for all the basins. There are reserves from previously collected taxes remaining in the accounts of several of the Basins. He said, from an accounting standpoint, it would assist the District to retain those boundaries because under the constitution any taxes collected within a geographic area have to be spent within that geographic area. He said that reference in the rules should be kept at least until those reserves are expended within the areas where collected. He said that rulemaking should not be directed to be done until sometime in the future, if at all.

Mr. Combee amended his motion to delete the first bullet point under Option 1 which is repeal all District rules defining basin boundaries, at least for the time being, as recommended by the General Counsel. Mr. Beruff seconded the amended motion. (Track 9 – 10:05/27:26)

Discussion ensued. Committee Chair Tharp said two speaker cards have been submitted and opened the floor to the public.

Mr. Pat Lehman, Executive Director of the Peace River Manasota Regional Water Supply Authority (PRMRWSA), spoke in support of maintaining the basin boundaries.

Mr. Doug Manson, attorney for the PRMRWSA, spoke in support of maintaining the basin boundaries and spending the funds within the basin areas.

Committee Chair Tharp called for a vote on the amended motion. **The amended motion carried and Mr. Pressman voted in opposition.**

Committee Chair Tharp then called for a vote on the main motion. **The motion carried and Mr. Pressman voted in opposition.** (Track 9 – 27:26/35:41)

Mr. Fritsch continued with financial discussions, noting that this District will have a 40-percent expenditure reduction. He provided an update of the model presented in April with line item detail of the contracts and grants preliminarily proposed for the FY2012 budget.

Discussion ensued about continuing certain programs, such as Minimum Flows and Levels, and perhaps the need to receive direction from Tallahassee. Information was requested regarding the technical difficulties or reasons for maintaining basin boundaries related to differences in topography, about the policy on periodic updating of Light Detection And Ranging (LiDAR), an update following the legislation session regarding the Florida Department of Transportation Mitigation, and a detailed listing of contracts with prior year amounts by project. (Track 10 – 00:00/57:39)

Mr. Fritsch continued discussion of the cooperative funding and grants preliminarily proposed for the FY2012 budget. He also reviewed the line item detail of grant projects cut from the FY2012 budget. (Track 11 – 00:00/20:00)

Discussion ensued regarding Senate Bill 2142, and Board members expressed their concerns and opposition. **Mr. Combee moved, seconded by Mr. Pressman, to request a letter be sent to Governor Scott today outlining specifically the Governing Board's opposition due to the lack of growth issue and asking that the Governor veto the legislation.** Discussion ensued. **The motion carried unanimously.** (Track 11 – 20:00/33:10)

Mr. Fritsch reviewed items that will be brought before the Board in June and noted that a fund balance policy discussion is needed regarding an economic stability reserve, a projects reserve, and a millage stability reserve. (Track 11 – 33:10/40:45)

In response to questions by the Board, Ms. Kavouras said staff will send out a communication that all June Basin Board meetings are canceled. A question was posed whether it would violate the public meeting requirement if a current Governing Board member met outside a public meeting with a current Basin Board member. Mr. Bilenky said, since the resolution was passed, Basin Board members will not be in a position to vote upon any matter since the basins no longer exist as of May 31, 2011. At the Board's request, Mr. Bilenky will provide a legal opinion about the Sunshine Law as relates to discussion between the Governing and Basin Board members. (Track 11 – 40:45/45:15)

At this time, Committee Chair Tharp recessed the meeting at 12:10 p.m. to provide a lunch break. (Track 11 – 45:30, Video A – 3:21:42) The meeting reconvened at 1:00 p.m. (Video B)

25. **Request to Withdraw Bid – PCL Construction, Inc. – Request for Bid 1101, Lake Hancock Outfall Wetland Project**

Ms. Mary Beth McNeil, Senior Attorney, Office of General Counsel, advised the Governing Board of a request by PCL Construction, Inc. (PCL) to allow PCL to withdraw its bid in connection with Request for Bid 1101, Lake Hancock Outfall Wetland Project, without penalty including the return of its bid bond, and to request a decision from the Governing Board concerning PCL's request. The options available to the District in response to PCL's request to withdraw its bid without penalty are as follows:

- (a) Allow PCL to withdraw its bid without penalty including the return of its bid bond and proceed to evaluate the second lowest bidder that bid \$24,230,620.

- (b) Deny PCL's request to withdraw its bid without penalty and refer PCL's petition to the Division of Administrative Hearings for resolution of the factual and legal disputes. It is anticipated that a Final Order would be entered by the District at the Governing Board meeting on August 30, 2011. This action would stay the award of the bid until the Final Order is issued.
- (c) Authorize staff to negotiate a settlement of PCL's entitlement to the \$1,006,435 bid bond and allowing PCL to withdraw its bid under the appropriate conditions, subject to Governing Board approval.

Staff recommended to deny PCL Construction, Inc.'s request to withdraw its bid without penalty as set forth as option (b) above and direct staff to refer the matter to the Division of Administrative Hearings for an evidentiary hearing.

Following discussion, **Ms. Closshey moved to approve the staff recommendation and Mr. Beruff seconded the motion.** (Track 12 – 00:00/08:15)

Committee Chair Tharp said a request to speak was submitted for this item.

Mr. Stephen Pickert, attorney representing PCL, addressed the Board to present PCL's position.

Mr. Gramling called the question. Mr. Adams seconded calling the question and it carried. Mr. Combee voted in opposition.

Committee Chair Tharp called for a vote on the main motion. **The motion carried and Mr. Combee voted in opposition.** (Track 12 – 08:15/32:27)

26. **Workload and Staffing Analysis Status**

Ms. Jan Sullivan, representing North Highland Consulting Company, provided an update on its progress to date against the projected timeline; and an overview of the District-wide results of the employee survey, and workload supply and demand. The next steps in the analysis include continuing to analyze supply and collect demand data, continuing analysis and synthesis of organizational assessment data, finalizing recommendations, and preparing the final report for presentation to the Governing Board at its June meeting. (Track 13 – 00:00/23:00)

This item was presented for the Committee's information, and no action was required.

Submit & File Report

The following item was submitted for the Committee's information, and no action was required.

27. **Total Compensation (Salary & Benefits) Review Status**

Routine Reports

The following items were provided for the Committee's information, and no action was required.

28. **Treasurer's Report, Payment Register, and Contingency Reserves**

29. **Management Services Significant Activities**

Finance and Administration Committee Chair Tharp relinquished the gavel to Regulation Committee Chair Beruff. (Track 13 – 23:00/23:51)

Regulation Committee (Video B – 56:10)

Discussion Items

30. **Consent Item(s) Moved for Discussion** – None

31. **Hydrologic Conditions Status Report**

Mr. Granville Kinsman, Manager, Hydrologic Data Section, said April historically marks the seventh month of the eight-month dry season and provisional rainfall totals for the month show accumulations in the normal range in all three regions of the District. Analysis of the District-wide dry-season rainfall shows October through April totals to be approximately 1.0 inch below the historic average. Rainfall during the month was regionally variable and associated with seasonally transitional weather systems (i.e., mix of cold front, sea breeze and convective thunderstorm activity). The District-wide 12-month rainfall accumulation declined, and shows a deficit of approximately 5.7 inches below the long-term historic average. The 24-month rainfall accumulation improved, and shows a surplus of 3.4 inches above the historic average, while the 36-month total declined and shows a deficit of 9.5 inches below the historic average. In response to above-normal to normal rainfall totals during March and April, regional groundwater levels and streamflow conditions in regional index rivers ended the month within the normal or above-normal range of historic values. Regional lake levels showed improvement, ending the month within the annual normal range in the Tampa Bay region and remaining at below-normal levels in the Northern, Polk Uplands and Lake Wales Ridge regions. NOAA climate models and forecasts are inconclusive regarding rainfall during May, June and July, predicting equal chances for normal or above/below-normal rainfall. NOAA uncertainties may be due to diminishing La Nina conditions in the Pacific Ocean and expectations that the Pacific Ocean will transition into ENSO-neutral conditions during summer 2011. Below-normal rainfall in May or during the summer rainy season could adversely affect improvements made to hydrologic conditions during March and April. (Track 14 – 00:00/07:30)

This item was presented for the Committee's information, and no action was required.

32. **Water Shortage Order 2010-022 – Consider Current and Projected Conditions**

Mr. Owen said staff is not recommending changes to the Modified Phase I Water Shortage as declared by the Governing Board at its November 16, 2010 meeting; therefore, no action is required. (Track 14 – 07:30/07:59)

33. **Governing Board Approve District's First Annual Regulatory Plan Required by Governor Scott's Executive Order Number 11-72**

Mr. Owen said, at the March 29, 2011 meeting, the Governing Board approved submittal to the Governor's newly formed Office of Fiscal Accountability and Regulatory Reform (OFARR) of the District's rule reviews completed in compliance with Executive Order Number 11-72. This rule review mandated by the Governor was intended to identify rule language that is duplicative of statutes or other rules, unnecessarily burdensome to the regulated community or no longer necessary, for the purpose of pursuing amendment or repeal of such provisions. An updated proposed District Annual Regulatory Plan for 2011-2012 was provided to the Board members.

Mr. Owen provided a brief review of the Plan which includes all of the rule amendments and repeals identified in the District's rule report submitted to OFARR in April 2011, additional items meeting Section 120.74, F.S., objectives and other necessary rule priorities for the coming year. Upon Governing Board approval, the Annual Regulatory Plan will be submitted to OFARR as required by EO 11-72. Staff will continue to keep the Board apprised of rulemaking priorities and anticipated scheduling through the monthly Rulemaking Update Report contained in the Board's meeting materials. As rulemaking

items are developed, each item will continue be presented to the Board to authorize initiation of rulemaking and to approve rule text.

Staff recommended to approve submittal to the Governor's Office of Fiscal Accountability and Regulatory Reform of the District's First Annual Regulatory Plan for July 2011-June 2012.

Committee Chair Beruff requested postponing action on this item to next month's meeting so stakeholders have more time to review the proposed Plan and due to the budget process since those rules result in a cost to the District. Mr. Owen said there is time in the process to afford that one-month postponement. Ms. Closshey requested a notation be added to designate if legislatively mandated. (Track 15 – 00:00/07:30)

34. **Denials Referred to the Governing Board** – None

Submit & File Reports – None

Routine Reports

The following items were provided for the Committee's information, and no action was required.

35. **Public Supply Production Report**
36. **Southern Water Use Caution Area Quantities**
37. **Overpumpage Report**
38. **E-Permitting Metrics: Online vs. Paper Applications**
39. **Individual Permits Issued by District Staff**
40. **Resource Regulation Significant Initiatives**

- Mr. Owen mentioned that a significant milestone has been reached by adopting specific rules for the Dover/Plant City area and managing future freeze events. The Governor's Office of Fiscal Accountability and Regulatory Reform has reviewed and approved the rulemaking. Mr. Gramling requested staff discuss well complaint and compliance issues with the Well Drillers Advisory Committee.

Regulation Committee Chair Beruff relinquished the gavel to Resource Management Committee Chair Joerger. (Track 15 – 07:30/11:28)

Resource Management Committee (Video B – 01:15:55)

Item 42 was deleted from consideration.

Discussion Items

41. **Consent Item(s) Moved for Discussion** – None
42. **Appraisal, Purchase/Sale Agreement and Resolution Requesting Funds – Starkey Wilderness Preserve Addition, SWF Parcel No. 16-010-038 and SWF Parcel No. 16-010-039P** – This item was deleted from consideration.

43. **Surplus Land Evaluation**

Mr. Eric Sutton, Director, Land Resources Department, noted the Board asked staff to provide an estimated completion date for the surplus land evaluation project at the May Board meeting. Based on staff's preliminary scope outline and project approach, a final report will take an estimated 17 months with a target completion date of November 2012. During this time, the Board will be provided periodic progress updates and is expected to provide policy direction on matters of surplus, including approval of the review methodology which is expected in the fall of 2011.

Committee Chair Joerger said a request to speak was submitted.

Mr. Chester Bradshaw, resident of Citrus County, addressed the Board to express his concerns regarding recreational use of District lands. (Track 16 – 00:00/08:20)

This item was submitted for the Committee's information only, and no action was required.

Submit & File Report

The following items were submitted for the Committee's information, and no action was required.

44. **Natural Systems Restoration on District Lands – Annual Report**
45. **Lower Hillsborough River Recovery Strategy Implementation – Annual Update**

Routine Reports

The following items were provided for the Committee's information, and no action was required.

46. **Florida Forever Funding**
47. **Minimum Flows and Levels**
48. **Structure Operations**
49. **Watershed Management Program and Federal Emergency Management Agency Map Modernization**
50. **Significant Water Supply and Resource Development Projects**

Committee Chair Joerger relinquished the gavel to Chair Oakley. (Track 16 – 08:20/09:12, Track 17 – 00:00/02:10)

General Counsel's Report (Video B – 01:25:20)

Discussion Items

51. **Consent Item(s) Moved for Discussion** – None
52. **Final Order – WUP No. 2000742.010 - Ross v. City of Tarpon Springs & SWFWMD, DOAH Case No. 10-010214 – Pinellas County**

Ms. Adrienne E. Vining, Staff Attorney, Office of General Counsel, reviewed the actions occurring in response to the District issuing on October 20, 2010, a Notice of Proposed Agency Action for approval of Water Use Permit (WUP) Application No. 20000742.010 submitted by the City of Tarpon Springs.

Staff recommended to approve the proposed Final Order that (1) adopts the Amended Recommended Order entered by the ALJ and dismisses Ross's Petition for Administrative Hearing for lack of standing; (2) accepts the City's exceptions, which correct a typographical error in Finding of Fact Nos. 16 and 22, and Conclusion of Law Nos. 89, 90, 91, and 92; and (3) issues WUP No. 20000742.010 to the City.

Ms. Closshey moved, seconded by Mr. Pressman, to approve the staff recommendation as presented. Motion carried unanimously. (Track 17 – 02:10/03:30)

Submit & File Reports – None

Routine Reports

The following items were provided for the Committee's information, and no action was required.

53. **Litigation Report**
54. **Rulemaking Update**

Executive Director's Report (Video B – 01:28:25)

55. **Executive Director's Report**

a. **September 28, 2010 Governing Board Workshop Summary Update**

- Mr. Moore briefly reviewed the updated summary table of the Governing Board's workshop held on September 28, 2010.

b. **Other** – None

(Track 17 – 03:30/04:55)

Chair's Report (Video B – 01:29:30)

56. **Chair's Report**

a. **Report on May 18 Meeting with Florida Department of Environmental Protection Secretary** – The meeting was canceled so no report was provided.

b. **Ceremonial Passing of Gavel to New Chair**

- Chair Oakley expressed his appreciation to Board members, executive staff and all employees of the District. He said this is one of the greatest organizations he has been affiliated with.
- Chair Oakley read into the record his letter to Governor Scott tendering his resignation from the Governing Board and requesting to withdraw his application for reappointment to the Board.
- Chair Oakley congratulated the new Board officers and passed the gavel to newly elected Chair Senft.

c. **Other**

- Board members expressed their appreciation of Mr. Oakley's service.
- Chair Senft said the Board may hold workshops over the next few months to discuss policy issues. He requested Board members provide their suggestions to Mr. Moore.

(Track 17 – 04:55/10:24)

There being no further business to come before the Board, Chair Senft adjourned the meeting at 2:37 p.m. (Video B – 01:35:20)